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## FISCAL IMPACT REPORT

SPONSOR: Griego DATE TYPED: 02/08/02 HB \_\_\_\_\_  
 SHORT TITLE: Regulatory-Caused Loss of Production Hearings SB SM-4/aSCORC  
 ANALYST: Woodlee

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Economic Development Department

### SUMMARY

#### Synopsis of SCORC Amendment

The Senate Corporations and Transportation Committee amendment to Senate Memorial 4 clarifies that the requested hearings will also cover the benefits, not just losses, due to enacted federal and state regulations.

#### Synopsis of Original Bill

Senate Memorial 4 requests the appropriation interim committee of the Legislative Council Service to conduct hearings regarding enacted federal and state regulations that have caused a loss in production capacity for New Mexico businesses.

#### Significant Issues

The memorial indicates that the U.S. Supreme Court has declared investment-backed expectations as property due compensation under the fifth and fourteenth amendments of the U.S. Constitution. Because productive capacity is classified as an investment-backed expectation, it is therefore also considered private property. Both the United States and New Mexico Constitutions require compensation for property taken for public purposes.

### FISCAL IMPLICATIONS

**The memorial does not contain an appropriation or significant fiscal implication.**

MW/njw